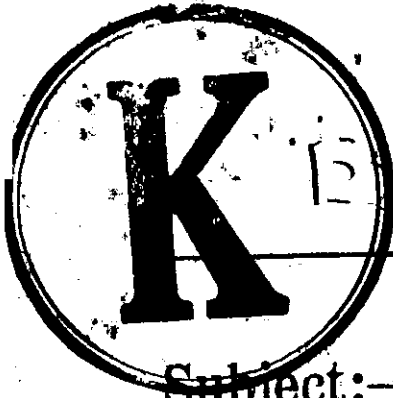


1950.

File No. S. Bel 10/50



Examined.

Legal DEPARTMENT
A BRANCH

Subject: — Belgaum Suit

Civil suit No. 198 of 1949

C. R. Surjavarshi — Plaintiff
vs.

District Prohibition Officer } Defendant
Belgaum.

P 32 E-K

For possession of the property bearing
C.T. S. No. 4784 of Belgaum, and for the
recovery of Rs. 175/- as arrears of rent—
from Jan to May 1949 at Rs. 35/- 1/4.
and also for future mesne profits at
une 1949. till

S. Belgaum 10/50

File No.

Std. Sheet. Slip 24-B

S. Belgaum 10/50

C O N T E N T S,

Legal Department File No. S. Bel. 10/50.

Sr.No.	R.I./O.No.	Subject	Pages.
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Suits Belgaum.

C.S. No. 198/1944.

C. R. Suryawanshi

V/s.

Dist. Prohibition Officer. Bel.

Claim Rs 595 for both purposes

For possession of the property bearing
C.T. S. No. 4784 at Belgaum, and for the
recovery of Rs. 175/- as arrears of rent
from Jan. to May 1944 at Rs. 357/- P.M.,
and also the future mesne profits at
the same rate from 1st June 1944.

Below No.L.A.W.882 dated 18/2/1950 from the Collector,
Belgaum.

No.10-23/50.

Belgaum, 16th March 1950.

Returned with respects.

2. The facts in this case in chronological order have been submitted below:-

(a) The premises in Belgaum city area namely city S.No. 4784 and 4786 (building and open space round about it) was secured by Mr.J.G.Kulkarni, the then D.P.O. Belgaum for location of Government Sanskar Kendra of Prohibition Department. The said premises was occupied for the purpose with effect from 1/8/1948 at a monthly rent of Rs.35/-.

(b) On enquiries with Mr.J.G.Kulkarni, it was learnt that the key of the said premises was taken possession of from Mr.C.R.Suryavanshi, the Plaintiff and that rent at Rs.35/- per month from 1/8/1949 was settled with him (Mr.C.R. Suryavanshi) as he volunteered the possession of the premises and claimed the rent for himself. It was further understood that in consultation with the Collector he continued to pay the plaintiff (Mr.C.R.Suryavanshi) the settled rent till the end of Dec.1948. (August 48 to December 1948).

(c) In the meanwhile, one Mr.S.G.Suryavanshi put in his written claims over the premises stating that it belonged to him and that he (S.G.Suryavanshi) is entitled to receive the rent (vide please his application dated 20/12/48 at page 3).

(d) The matter was therefore referred to the Collector who after instituting requisite enquiries ordered under his No. XISSR 4941 of 11/4/49 at page 29 that the D.P.O. should pay the rent to Mr.S.G.Suryavanshi, the defendant on the ground that he was the legal heir of late Mr.G.B.Suryavanshi as proved from the documentary evidence on records, in these papers and from enquiries in this matter through the Mamlatdar Belgaum (Page 27) who after careful enquiries and documentary proof on records had established the claims of Mr.S.G.Suryavanshi over the premises.

(e) In compliance with the orders of the Collector referred to at (d) above, the rent of the premises of Sanskar Kendra from January 49 and onwards was paid to Mr.S.G.Suryavanshi (rent for the months from Jan.49 to November 1949).

(f) On enquiries with Mr.J.G.Kulkarni the then D.P.O. Belgaum it was learnt that no lease deed was executed with regard to the said premises but written agreement to the effect that the premises was rented from 1/8/48 for location of Sanskar Kendra, was given on 1/9/48 by Mr.C.R.Suryavanshi from whom the key of the building was taken possession of. The agreement is submitted herewith in original. (Page 55.)

(g) Mr.S.G.Suryavanshi, has been paid monthly fixed rent for the period ending Nov.1949. The rent for the months from Dec.1949 has been withheld in view of the dispute under reference.

(h) Orders as to whom the rent of the said premises from Dec.1949 should now be paid, may kindly be issued very early.

(i) The sanskar Kendra of the Prohibition Department is running in the said premises.

(j) The papers of the correspondence pages 1 to 52 have been submitted herewith.

SD/-
Dist. Prohibition Officer
Belgaum District, Belgaum.

In the Court of the Civil Judge, Snr. Dn. Belgaum.



1. C.R.Suryawanshi, Kahatriya Hindu, age 49, trader, residing at Anchatgeri Galli, Hubli. PLFF.

V.S.

1. Dist.Prohibition Officer, 4784, Chavat galli, Belgaum. DEFT.

(Service of Summons by Regd.Post).

Claim. Rs.595 (for Court fee. and Jurisdiction.

Suit by landlord against tenant for possession on the ground of non-payment of rent and for recovery of rent under Bombay Act, 1957 of 1947.

The above named plff states as follows:-

- 1.) Description of the property.C.T.S.No.4784 in Chavat Galli, Belgaum, measuring 644 sq.yds. with a bungalow and open site around.
- 2) Plff.let out the premises mentioned above to the deft at a monthly rental of Rs.35/- since August 1948 and the deft.has paid on 14-2-49 all the arrears of rent upto the end of Dec.1948.The deft. has taken from the plff.the vouchers in duplicate duly signed by the plff.on account of rent. The original voucher is retained by the deft.and he has taken another voucher for being sent to the Imperial Bank,Belgaum,for the purposes of his account.
- 3) Plff.as a landlord is entitled to the possession of the premises on the ground of non-payment of rent from the deft for five months from 1-1-49 to 31-5-49 amounting to Rs.175/- as required by Sec.12(2) of Bombay Act, No.57 of 1947, Plff.gave a notice to deft. on 4-4-49 calling upon him to pay all arrears of rent falling which a suit for recovery of rent and possession would be filed after the expiration of one month next after notice of the demand of the rent. Deft.has not paid the arrears of rent so far & has given evasive reply and hence this suit for recovery of arrears of rent and possession;
- 4) Deft.has taken an agreement on a stamped paper of Rs.1/8/0 from the plf.stating that the deft.would be allowed to continue as a monthly tenant for a period of 10 years at a monthly rental of Rs.35/-
- 5) The cause of action for the suit arose on 4-4-49, when the plff. gave a notice to the deft.under Sec.12(2) of Bom.Act, 57 of '47, terminating the tenancy on the ground of non-payment of rent and the cause of action for the arrears of rent arose in the first week of each month from Jan.1949;
- 6) The property is situated within the jurisdiction of this Court and hence this Court has jurisdiction to try this suit;
- 7) The suit is valued for the purposes of court fee and jurisdiction as follows:-

Rs.420/- being the rent for 12 months for the purpose of recovery of possession and Rs.175/- being the arrears of rent for 5 months from Jan.to the end of May '49 and the Court fee is paid on Rs.595/- For the purpose of jurisdiction, the court of the Civil Judge, Jr.Dn.as a spl.court under Bom.Act.57 of '47 is competent to try this suit.

- 8) Setting aside the contentions of the deft.plff.prays:-
 - (i) that a decree for possession of the suit premises may be awarded;
 - (ii) that a decree for Rs.175/- being the arrears of rent from Jan to May '49 at the rate of Rs.35 p.m. may be awarded;
 - (iii) that a decree for future profits from 1-6-49 till the date of delivery of possession may be awarded;

(iv) that a decree for the costs of this suit may be awarded;
(v) that interest at 6% per annum on the arrears of rent and ~~means~~ profits till delivery of possession may be awarded;
(vi) Any other equitable relief the Court deems fit, may be given.

{List of papers is produced herewith.

Belgaum.

Dated: 13-6-1949.

Plaintiff.

I, C.R.Suryawanshi, Plff. in the above suit, state on solemn affirmation that the contents of paras 1 to 8 are true to my knowledge and information.

Belgaum.-.

Dt:-13-6-49.

Plaintiff.

Drafted & Presented by.

Sd/x-x,x, .

Pleader for the Plff.

Belgaum Civil Suit No.198/1949.

The suit is filed by Mr. C. R. Suryavanshi against the District Prohibition Officer, Belgaum, for possession of the property bearing C.T.S.No.4784 of Belgaum, and for the recovery of Rs 175/- as arrears of rent from January to May 1949 at Rs 35/- p.m., and also for future mesne profits at the same rate from 1st June 1949 till delivery of possession.

2. The suit property was taken on lease from the plaintiff by Mr. J. G. Kulkarni, who was the District Prohibition Officer, Belgaum, with effect from 1st August 1948 at a rent of Rs 35/- per month for the purpose of housing the Government Sanskar Kendra of the Prohibition Department. The possession of the property was taken from the plaintiff who gave a writing to the defendant on 1st September 1948 confirming the facts of the lease. The rent of the premises was paid to the plaintiff till the end of December 1948.

3. On 20th December 1948, one S.G. Suryavanshi made an application to the defendant claiming that he was the rightful owner of the property and, therefore, the rent thereof should be paid to him. The matter was referred to the Collector, who after instituting the necessary inquiries and considering the documentary evidence produced .

produced by the applicant, directed in his order dated the 11th April 1949 that rent should be paid to S.G.Suryavanshi who was the legal heir of the late G.B.Suryavanshi. It appears that the payment of rent to the plaintiff was suspended from January 1949, and it was paid to S.G.Suryavanshi from January to November 1949. Since December 1949 the payment of the rent has been withheld.

4. On 4th April 1949 the plaintiff gave notice to the District Prohibition Officer under sub-section (2) of section 12 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, calling upon that Officer to pay all arrears of rent within 30 days, in default of which the tenancy will be terminated for non-payment of rent.

5. On 13th June 1949 the plaintiff filed the present suit in the Court of the Civil Judge, Senior Division, Belgaum.

6. The suit is defensible only on the ground of absence of notice under section 80 of the Civil Procedure Code. The plaintiff has not given any such notice to the defendant who is a public officer sued in his official capacity. On merits, however, there is no case for the defendant. The Collector was not competent to inquire into the title claimed by S. G. Suryavanshi. If the latter had any claim to the property ^{the right} and ~~to~~ receive any rent thereof, the Collector should have merely directed him to establish his right by taking appropriate proceedings in a Civil Court. The payment of rent to the plaintiff was wrongly withheld and will have to be paid. Contesting the suit on the technical ground of absence of notice will merely postpone

7
the dispute because the plaintiff will be entitled to file the suit after giving a fresh notice. The Collector himself recommends that the suit should be compromised amicably. In these circumstances the suit may be amicably settled by paying the plaintiff all the arrears of rent up-to-date. Since the suit is bad for want of notice, the plaintiff will obviously not be entitled to claim any costs or interest and there should be no difficulty in persuading him to give up his claims. The Collector may be instructed accordingly.

Rm -
7/7/50

ALR R.K. 7/7

REVENUE DEPARTMENT,
SECRETARY, ARAY.

8.7.50

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HW
10.7.50

82/10.7.50

AS Can d

X
Secy RD. 8/7/50

Most Urgent.

No. 7.279 of 1950.
Belgaum, 21st July 1950

To,

The Remembrancer of Legal Affairs, Bombay.

Subject:- Civil Suit No. 198 of 1949

C. R. Suryavanshi

Vs.

Dist. Prohibition Officer, Belgaum.

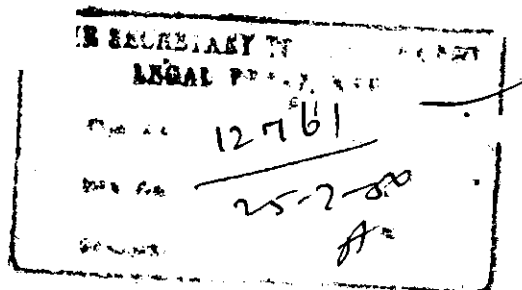


Sir,

With reference to the subject noted above, I have the honour to state that the above noted suit No. 198 of 1949 was kept for W.S. again on 15-7-1950. An application was put in the court for adjournment of the same till the sanction for defence of the suit from the Govt. Court ordered below the application, that time for W.S. will not be granted after 16-8-1950 on condition that the deft deposits the arrears of rent into the court before that date. The copy of the Court's order is sent herewith. It is, therefore, requested that any necessary instructions be issued and a draft Written Statement in the above matter may please be sent to me for filing the in the court, immediately.

Yours faithfully,

M. S. A.
Dist. Govt. Pleader, Belgaum.



L. D.

subd. with previous papers.

2. No action is necessary on
the letter overleaf as instructions
for compromise have already been
issued.

290
25/7

Ad. for 11/5.

Re S. Bel / 1950.

292
25/7

In the Court of Civil Judge, S.Dn at Belgaum.

1. C.R.Suryavanshi ... ,,, Plff.
against.

1. The Prohibition Officer, Belgaum. Deft.

Herein the application of the Dist. Govt.
Pleader, Belgaum is as under:-

The required information regarding the sanction
for defence of the suit is not yet received from the Govt. It
is, therefore, not possible for me to give my W.S. today. So
an adjournment may kindly be granted for the same.

Belgaum.
13-7-1950.

Sd. B.V.Karakarni Jakati
Dist. Govt. Pleader, Belgaum.

This is a suit by landlord against tenant
(Prohibition Office of Belgaum). The tenant is in arrears of
rent and on this ground only the suit is filed. This court has

more than once stated on previous applications that no more adjournment would be granted. This is the 10th application for time. The debt may be proceeded exparte.

The application may be rejected.

15-7-1950.

D.T.Mole, Pleader
for plff.

Order

Time to put in Written Statement for one month is granted on condition that debt deposited the arrears of rent at the rate 35 are paid into court before that date. If the arrears are not paid no further adjournments will be -- granted and the suit will be heard in default of the Written Statement.

Sd. Rajawade
15-7-1950.
Jt. Civil Judge,
J. B. n, Belgaum.

S. P. 10/150
17/7/50

13
No. J. 170 of 1951.
Belgaum, 28th June 1951.

10/50
Very urgent
To

The Remembrancer of Legal Affairs, Bombay.

Subject:- Civil Suit No. 198 of 1949
C.R. Suravanshi. . . . Plff
Vs.

The Dist.Pro. Officer, Belgaum.. . . Deft.

With reference to the above subject I am to state

Sirs follows:-

I have put in the Written Statement in the suit,
copy of which is herewith attached.

As per your instructions I had discussions with
Shri K.G. Zalke, Superintendent of Prohibition and Excise,
Belgaum (who is in charge of the former District Prohibition
Office, Belgaum, since the said post of Dist. Prohibition Officer
is abolished from 1-4-1951) and the plff and his pleader in
the suit in question. We have arrived at a compromise, the
terms of which are introduced in the copy attached herewith.
I have also sent herewith, the copy of the plaint referred to
in the compromise application.

I am therefore to request you to kindly return -
the compromise application after the same is perused and -
approved. The same may kindly be returned within a fortnight.

Yours faithfully,

m. S. S.
Dist. Govt. Pleader, Belgaum.



L.D.

Submitted. The D.A.P. Belgain has forwarded ~~the~~ a copy of the written statement which he filed on 26.10.1950 as per instructions issued (vide p. 27 of the file S.Bel.10/50 below). He has also forwarded a copy of the draft compromise ~~applied~~ (p. 3 post) for approval.

NB
29/6

A.S. (M)

For facts of this case, please see the note at Slip A. The D.J.P. was requested to communicate the brief on the lines proposed in that note. It appears from the letter overleaf that the P. is agreeable to a compromise. The D.J.P. has forwarded a draft embodying the words of compromise for approval. As the draft is in accordance with the terms proposed by the deft it may be approved.

by
30.6.

Col (maj) M
3/7

In the Court of Jt. Civil Judge, S.Dn., Belgaum.

1. C.R.Suryavanshi. Plff.

Vs.

1. The Dist.Pro. Officer, Belgaum. Deft.

Herein the plff and the Deft have compromised the suit. The particulars of the compromise are as under:-

1. The arrears of rent from December 1949 to September 1950 (10 months) amounting to Rs. 350/- is paid by the defendant, to the plff today. The rent from October 1950 to to May 1951 shall be paid by Deft to the plff within four months from today.

2. The Deft undertakes to pay Rs. 385/- (Rs. three hundred and eighty five only) being the arrears of rent from January 1949 to November 1949 inclusive, to the plff if he is held as the owner of the suit premises and as such entitled to recover rent in the suit No. 199 of 1949 filed by Shri S.G.Suryavanshi against the plff and the appeals thereupon if any; or earliar if the amount of Rs. 385/- is recovered from the plff in suit No. 199 of 1949 - refered to above. The amount of interest on Rs. 385/- if recovered from Shri S.G.Suryavanshi will also be paid to the present plff.

3. Defendant shall continue as a tenant of the suit premises.

4. Parties to bear their own costs.

5. The plff undertakes to refund all the rent of the suit premises received by him so far and that will be received by him hereafter from the Deft if the Civil Court in the Suit No 199 of 1949 holds that plff is not the owner of the suit premises or that he is not entitled to recover rent of the suit premises.

Decree in terms of the above compromise may kindly be passed.

In the Court of Civil Judge, Jr. Dn., Belgaum.

1. C.R.Suryavanshi. Plff.

Vs.

1. The Dist.Prohibition Officer,Belgaum. Deft.

Herein the Written Statement on behalf of -
the Deft is as under:-

1. The Deft being a Public Officer and the suit being in respect against act purporting to be done by a - public Officer in his officiating capacity, notice of suit under section 80 C.P.C. should have been given. No such notice has been given. The suit is bad for want of Notice as such the suit should be thrown out.

2. The court had no jurisdiction to try this suit in as much as under section 32 of the Bombay Civil Courts Act 1862, it is the court of the Civil Judge, S.Dn. alone that is competent to hear this ~~suit~~ suit since it is the suit in which a Public Officer in his official capacity is a party.

3. The Deft is prepared to deposit in court - reasonable rent due from him without costs and interest - since the suit is liable to be thrown out on the preliminary issue of want of notice. This should be considered as being without prejudice to the contention of law made above.

4. That S.G.Suryavanshi is a necessary party to the he received the rent from the deft.

Belgaum.
26-10-1950.

sd.
Dist.~~Goverdhan~~ Pro. Officer
Belgaum.

२/८/८० १६६
१६६

ಬೆಳಗಾವಿ ಜಿಲ್ಲಾ ಪಂಚಾಯತ್

1) శివ త్త గంగాధారు మువ్వనబయ్య
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శివ త్త వ. వ. బయ్యల

5

25-8

1) బుద్ధుని క్రాంతి వగలకు వచ్చి నాడు
హృదయ సుఖానందమును చూచి
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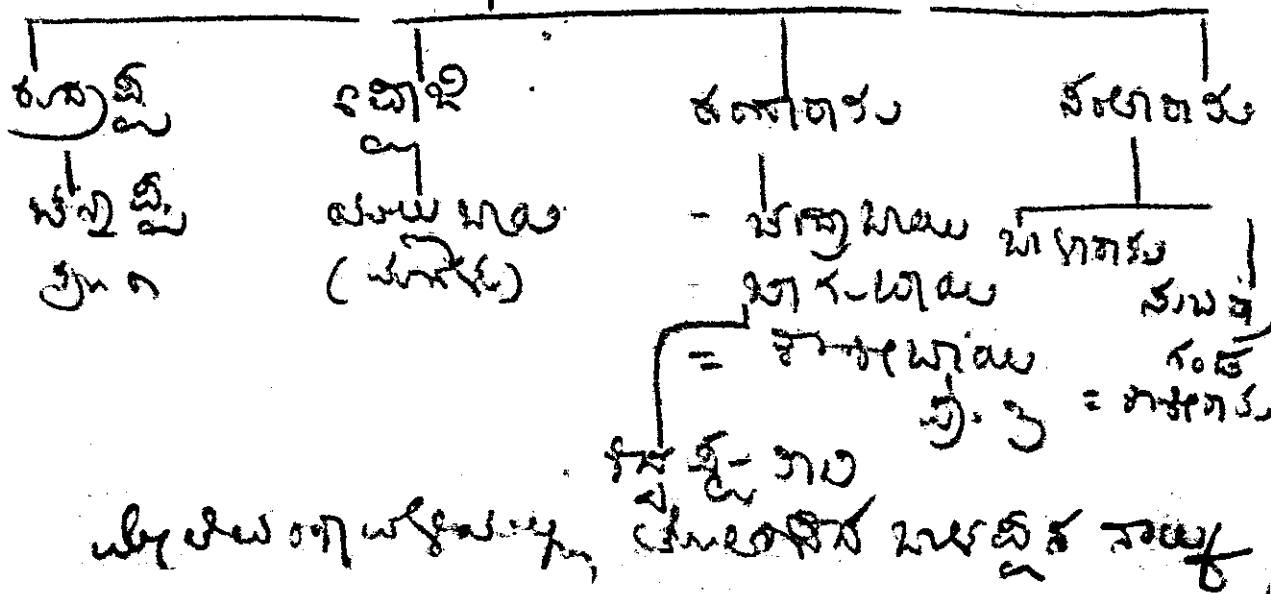
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ଶ୍ରୀମତୀଙ୍କ ଦୟାକାମୀ - ୩୧.୧୦ - ୦ - ୦

ಇದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದಾಗಿ -

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ဘာမှ မရှိ



by the way, ^{the} ~~best~~ ^{best} ~~new~~ ^{new} ~~way~~

ಪಂಕ್ತಿ ೪೦ ಶ್ಲೋಕ- ೨೫೦ ಕೃತವಂತಿ ಸಹ ೧೯೧೧
 ಇತಿ ಸಮಾಪ್ತವ್ಯಮುಕ್ತವಾಕವು. ಏವಂ ಪೂರ್ವಕ್ಕೆ
 ಮುಗಿಸುವ ಪೂರ್ವ ಕೃತವಂತಿ ಸಹ ೧೯೧೨ ಇತಿ
 ಸಮಾಪ್ತವ್ಯಮುಕ್ತವಾಕವು. ಅಯಮು ಪೂರ್ವ
 ಮುಗಿಸುವ ಪೂರ್ವ. ಸಂಕಾಶವು ಕೃತವಂತಿ -
 ಉ ೨- ೩- ೧೯೧೩ ನ್ನ ಇತಿ ಪೂರ್ವ ಮುಕ್ತವಾಕವು.
 ಸಂಕಾಶವು. ಇವುಗಳ ಪಂಕ್ತಿಗಳು ವ್ಯವಸ್ಥಾಪಿತ
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 ಸಂಕಾಶವು ಕೃತವಂತಿ ಪಂಕ್ತಿಗಳು ಮುಕ್ತ. ಇವುಗಳ
 ಇವುಗಳ ವಿನು ಸಂಕಾಶವು ೧೯೧೩ ಭಿನ್ನವಾದವು
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and after I received my letter from
you and was of course, surprised to find
you.

(2) ~~ଆନନ୍ଦ~~ ଶ୍ରୀ ଶ୍ରୀ ରଞ୍ଜନ ଶତ୍ରୁଘ୍ନ ଧର୍ମରାଜ
ନି ଧର୍ମରାଜ ଧର୍ମରାଜ ଧର୍ମରାଜ ଧର୍ମରାଜ

[illegible][illegible]

१) गीतासुक्तं च गीतं अथवा गीतं च
 २) गीतं च गीतं च गीतं च गीतं च
 ३) गीतं च गीतं च गीतं च गीतं च

உயர்வுகூட்டுவதற்கு உத்தேசம்

[illegible]

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presented on

2

P. G. Sengupta

4 1 under 47 12-49

31 - 59
Office of the R.L.A.

The Revenue Department is informed that as Suit No.199 of 1949 filed by S.G.Suryavanshi is dismissed the rent including all arrears may be paid to C.R.Suryavanshi after obtaining an undertaking from him that if Shri S.G.Suryavanshi files an appeal and the appellate Court holds in his favour the rent paid will be refunded by C.R.Suryavanshi to Government.

cc- Suryavanshi
For Remembrancer of Legal Affairs.

With R.D. file no
S.M.K 1654/14167
with recd

U.R.to R.D., No. 7817 / 2, dated the 25th March 1954.

MRP.
24/3.

Submitted for signature

16
24/3

Sol(H.L.)

fixed
max
20/3

Set 32

File in S. Bel. 10/50.

✓

26/3

S. B. C. ^{10/50}
26/3

S. Bel. 10/50
27/3/57

10/53



URGENT:

No. 628 of 1956.
Office of the Dist.Govt.Pleader,
Belgaum. Dated:- 25-7-56.

To

The Remembrancer of Legal Affairs, Bombay.

Subject:- Civil Appeal No.543/54.

1. L.G.Pavase ... Appellant.

Vs.

1. State of Bombay & another..Respds.

Sir,

In continuation of this office No.548 dated 27-6-56,

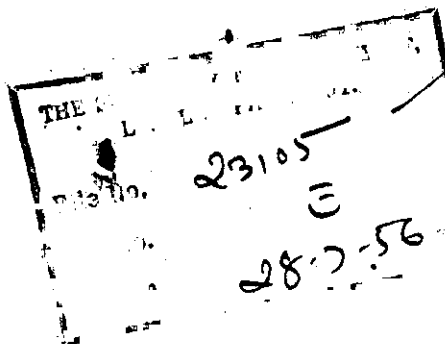
I have the honour to send herewith the certified copy of the
judgment in the above appeal and also the certified copy of Ex.62

and the order passed thereon. Receipt of the same may kindly be
acknowledged.

Yours faithfully,

In R. Adil
Dist.Govt.Pleader, Belgaum.

SHD.



IMMEDIATE.

No. 7645

OFFICE of the
Government Pleader, High Court,
B o m b a y, 9th July 1956.

From

Shri H.M.Choksi, B.A., (Hons.), LL.B.,
Government Pleader, High Court.



To
The Remembrancer of Legal Affairs,
B o m b a y.

Subject : Civil Suit No. 263 of 1952.
/ Laxman Ganpatrao Pavashe.
Versus.
The State of Bombay.

....

Sir,

With reference to your letter No. 15013/E dated 4th July 1956 on the above subject, I have the honour to inform you that my Office has searched the whole Civil Revision Application Register in the High Court and to state that the above Plaintiff has not preferred a Civil Revision Application to the High Court against an order dated the 25th January 1956 made by the Civil Judge (S.D.), Belgaum rejecting the application Ex. 62 for amending the plaint in the suit.

THE SECRETARY TO GOVERNMENT, LEGAL DEPARTMENT.	
File No.	21222
Sub No.	11/7/52
Branch	E

Yours faithfully,

Handwritten signature

for Government Pleader, High Court.

21D

Submitted

It is already decided
not to file C.R. A in light of
certified copies may be
returned to the D.G.P.

dh

6/48

Sal/mush 68

No. 1-1149/E
Office of the,
Remembrancer of Legal Affairs,
Sachivalaya, Bombay, - 7th August 1956.

Subject: Civil Appeal No. 543/54.
1.L.G. Pavase.... Appellant.
Vs.
1.State of Bombay & another..Respds.

MEMORANDUM:

With reference to his letter No.628 dated the 25th July 1956 on the above subject, attention of the District Government Pleader, Belgaum, is invited to this office Memorandum No.16532/E, dated 25th July 1956 and he is informed that certified copies of judgment etc. are returned herewith.

cc
for Remembrancer of Legal Affairs.

*155WD
25C
7/8*
DVD/7.8. To The District Government Pleader, Belgaum.

*Submitted by
8/8*

F. Ute. in S. Bal 10/53

dh
1948

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10-1-53